

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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Nov 22 2021

APPEAL FROM THE SOUTH CAROLINA
COURT OF APPEALS

S.C. SUPREME COURT

Appellate Case No. 2021-001182

Alicia M. Ruffin, Employee/Claimant, Petitioner,

v.

Builders Firstsource, Inc., Employer,
and Liberty Mutual Insurance

Company, Carrier, Respondents.

**MOTION TO DISMISS
PETITION FOR WRIT OF CERTIORARI**

Pursuant to Rule 240 of the South Carolina Appellate Court Rules, Respondents now move to dismiss Petitioner's Petition for Writ of Certiorari. This Motion is based on the following grounds:

I.

The Single Commissioner (Commissioner Beck) of the South Carolina Workers' Compensation Commission (hereinafter "Commission") issued a Decision and Order on December 10, 2020.

On January 6, 2021, Petitioner's Form 30 Request for Commission Review was dismissed by the Commission, as Petitioner failed to comply with the requirements of S.C. Code Section 42-17-50, and S.C. Regulation 67-701. (**Exhibit A.**) Petitioner subsequently filed a "Motion to Reinstate Claimant's Workers' Compensation Benefits" on January 14, 2021. Respondents filed a Response to Claimant's Motion to Reinstate on January 22, 2021. Commissioner Susan Barden issued a "Judicial Conference Decision and Order" denying Claimant's Motion to Reinstate on February 24, 2021. (**Exhibit B.**)

Petitioner filed a "Notice of Appeal in a Workers' Compensation Case" with the South Carolina Court of Appeals. This was served on Respondents on March 31, 2021. On July 14, 2021, the South Carolina Court of Appeals issued an Order dismissing Petitioner's appeal because Petitioner failed to provide proof of timely service upon the Respondents as required by Rule 203(b)(6) of the South Carolina Appellate Court Rules (SCACR). (**Exhibit C.**) On July 20, 2021, Petitioner filed a Petition for Rehearing with the South Carolina Court of Appeals. On September 13, 2021, the South Carolina Court of Appeals issued an Order denying Petitioner's Petition for Rehearing. (**Exhibit D.**)

On November 1, 2021, Petitioner filed a Petition for Writ of Certiorari with this Honorable Court, requesting a review of whether the Court of Appeals erred in dismissing her appeal.

II.

Respondents request that this Court dismiss Petitioner's Petition for Writ of Certiorari, as it is not properly before the Court. The December 10, 2020, Decision and Order from the Commission is final. It was not timely appealed to the Full Commission, and the appeal was dismissed. Petitioner's Motion to Reinstate was also denied by the Commission. Petitioner's subsequent appeal to the South Carolina Court of Appeals was also untimely and therefore dismissed. Petitioner's Petition for Rehearing to the Court of Appeals was also denied.

Petitioner now asks this Court to review whether the Court of Appeals erred in their dismissal of her untimely appeal. Petitioner offers no reason as to why or how she believes the Court of Appeals erred in dismissing her appeal. Because she failed to meet the 30 day filing deadline, the Court of Appeals properly dismissed her appeal.¹ Respondents contend there is no err for this Court to review.

As referenced herein, the procedural history of this claim is rife with Petitioner's procedural deficiencies and seemingly flagrant disregard for the South Carolina Appellate Court Rules.² It is over 100 pages long, and there is no appendix. A "direct and concise" argument in support of the Petition is non-existent. The arguments and information included in the Petition are convoluted and nonsensical to the point that Respondents are unclear as to what exactly Petitioner is asking

¹ Per Rule 203(b)(6), SCACR, Petitioner had 30 days after receipt of the decision from the Commission to file her appeal. She received written notice of the Commission's Order on February 26, 2021. She served Respondents 34 days later on March 31, 2021.

² However, it is also worth noting Petitioner's disregard for the appellate court rules mirrors her disregard for the procedural rules set forth for litigating a claim before the South Carolina Workers' Compensation Commission.

this Court to consider. Pursuant to Rule 242(d)(4), this would be a sufficient reason for denying her Petition.³ Respondents ask the Court to dismiss the Petition for these procedural reasons.

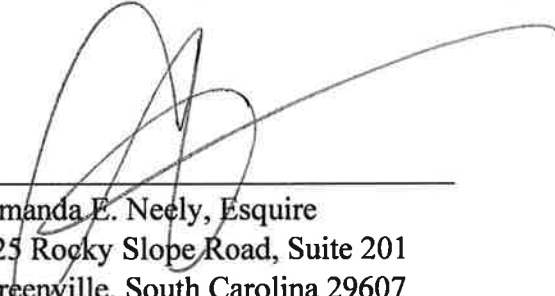
III.

Should this Court deem that the Writ should not be dismissed for procedural reasons, Respondents contend Petitioner states no grounds on which this Court should grant a Writ of Certiorari pursuant to Rule 242 of the South Carolina Appellate Court Rules. Although the list is not controlling or fully measuring, all five reasons in Rule 242(b) are unquestionably inapplicable in this case.⁴ Respondents contend there are no special or important reasons to grant Writ of Certiorari and ask this Court to decline to do so in this case.

For the foregoing reasons, Respondents respectfully request the Supreme Court to dismiss Petitioner's Petition for Writ of Certiorari with prejudice.

Respectfully submitted,

WILLSON JONES CARTER & BAXLEY, P.A.



Amanda E. Neely, Esquire
325 Rocky Slope Road, Suite 201
Greenville, South Carolina 29607
Attorney for Respondents

Date: November 22, 2021

³ Pursuant to Rule 242(d)(4), failure of a petitioner to present with accuracy, brevity, and clarity the information and arguments that are essential to a ready and adequate understanding of the points requiring consideration will be a sufficient reason for denying the petition.

⁴ This case does not involve a novel question of law, a dissent in the decision of the Court of Appeals, a Court of Appeals decision in conflict with a prior decision of the Supreme Court, a substantial constitutional issue, or a federal question.